

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1052**

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**Introduced by Assembly Member Garrick**

February 18, 2011

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An act relating to state property, ~~and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1052, as amended, Garrick. State property: surplus.

~~(1) Existing~~

*Existing* law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature.

This bill would authorize the director to ~~dispose of a specified parcel of state property~~ *enter into an agreement with the City of Carlsbad for the exchange of specified parcels of real property subject to certain conditions.*

~~(2) The California Constitution provides that the proceeds from the sale of surplus state property be used to pay the principal and interest on bonds issued pursuant to the Economic Recovery Bond Act until the principal and interest on those bonds are fully paid, after which these proceeds are required to be deposited into the Special Fund for Economic Uncertainties. Existing statutory law similarly requires that the net proceeds received from any real property disposition be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount,~~

~~a continuously appropriated fund, until the bonds issued pursuant to the act are retired.~~

~~By increasing the amount transferred into a continuously appropriated fund, this bill would make an appropriation.~~

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. (a) The Director of General Services, on behalf*  
2     *of the Department of Parks and Recreation, is hereby authorized*  
3     *to enter into a mutually beneficial agreement with the City of*  
4     *Carlsbad, San Diego County, for the exchange of real property as*  
5     *specified in this section. The real property to be offered by the*  
6     *state consists of portions of the property known as South Carlsbad*  
7     *State Beach located near El Arbor Drive and Manzano Drive in*  
8     *the City of Carlsbad. The real property to be offered by the city*  
9     *consists of a portion or portions of excess property created through*  
10    *the redesign and realignment of Carlsbad Boulevard.*

11    *(b) The City of Carlsbad shall reimburse the state for the*  
12    *difference in the appraised value of the property that is to be*  
13    *exchanged, if the state is found to be receiving less value, and for*  
14    *reasonable administrative costs incurred to complete the transfer*  
15    *of title.*

16    *(c) The City of Carlsbad shall be solely responsible for*  
17    *compliance with the California Environmental Quality Act*  
18    *(Division 13 (commencing with Section 21000)) in connection with*  
19    *the transfer of property ownership. The City of Carlsbad shall be*  
20    *solely responsible for compliance with Section 6(f)(3) of the federal*  
21    *Land and Water Conservation Fund Act of 1965 (Public Law*  
22    *88-578).*

23    *(d) The exchange of lands carried out pursuant to this section*  
24    *shall be based on current fair market value and subject to the terms*  
25    *and conditions, and with the reservations, restrictions, and*  
26    *exceptions, that the Director of General Services determines are*  
27    *in the best interests of the state, including the condition that the*  
28    *exchange shall result in no net cost or loss to the state.*

29    ~~SECTION 1. The Director of General Services may dispose~~  
30    ~~of all or any portion of the following parcel of real property~~  
31    ~~pursuant to Section 11011.1 of the Government Code:~~

1     ~~(a) Parcel 1, consisting of an approximately 6-acre portion of~~  
2     ~~the 18-acre parcel, known as the South Carlsbad State Beach,~~  
3     ~~located near El Arbor Drive and Manzano Drive, in Carlsbad, San~~  
4     ~~Diego County.~~

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